

ENROLLED HOUSE JOINT RESOLUTION 1002
ENACTED BY THE FIRST REGULAR SESSION OF THE
53RD LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 758
LEGISLATIVE REFERENDUM NUMBER 358

RECEIVED: April 25, 2011

Resolution

ENROLLED HOUSE

JOINT

RESOLUTION NO. 1002

By: Dank, Reynolds, Ritze,
Kern, Shelton, Hall,
Nelson, Schwartz, McDaniel
(Randy) and Joyner of the
House

and

Reynolds, Holt, Treat and
Branan of the Senate

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 8B of Article X of the Constitution of the State of Oklahoma; modifying limitation on valuation increases; providing ballot title; and directing filing.

SUBJECT: Valuation of real property for ad valorem taxation

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 8B of Article X of the Oklahoma Constitution to read as follows:

Section 8B. Despite any provision to the contrary, on and after January 1, 2013, the fair cash value of any parcel of locally assessed real property shall not increase by more than five percent (5%) in any taxable year; provided, if such property qualified for a homestead exemption or is classified as agricultural land, any increase to the fair cash value of such locally assessed real

property in a taxable year shall be limited to three percent (3%). The provisions of this section shall not apply in any year when title to the property is transferred, changed, or conveyed to another person or when improvements have been made to the property. If title to the property is transferred, changed, or conveyed to another person, the property shall be assessed for that year based on the fair cash value as set forth in Section 8 of Article X of this Constitution. If any improvements are made to the property, the increased value to the property as a result of the improvement shall be assessed for that year based on the fair cash value as set forth in Section 8 of Article X of this Constitution. ~~The provisions of this section shall be effective January 1, 1997, and thereafter for counties which are in compliance with the applicable law or administrative regulations governing valuation of locally assessed real property as of such date. For counties which are not in compliance with such law or regulations as of January 1, 1997, the provisions of this section shall be effective January 1 of the year following the date the county is deemed to be in compliance with such laws or regulations as provided by law.~~ The provisions of this section shall not apply to any personal property which may be taxed ad valorem or any property which may be valued or assessed by the State Board of Equalization.

The Legislature shall enact any laws necessary to implement the provisions of this section.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the State Constitution. It amends Section 8B of Article 10. This measure affects the way changes to the fair cash value of some real property are made. It includes only property which is a homestead or property which is used for agricultural purposes. It prevents the value from increasing in any one year by more than three percent. It also removes obsolete language from the law.

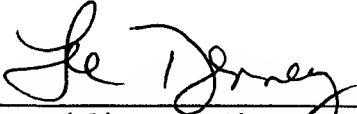
SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the House of Representatives the 20th day of April, 2011.

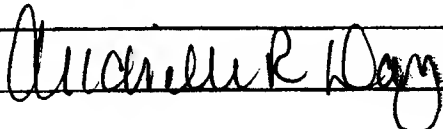

Presiding Officer of the House of
Representatives

Passed the Senate the 13th day of April, 2011.


Presiding Officer of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
25th day of April, 2011,
at 4:19 o'clock P M.

By: 



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

V. Glenn Coffee
Secretary of State

Mary Fallin
Governor

April 26, 2011

The Honorable E. Scott Pruitt
Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105

Dear Attorney General Pruitt:

You are hereby notified that Enrolled House Joint Resolution 1002 was received in the Office of the Secretary of State the 25th day of April, 2011. This resolution has been designated as **State Question Number 758, Legislative Referendum Number 358.**

Pursuant to 34 O.S., 2010 Supp., Section 9, this office is submitting the proposed ballot title to you for review.

If this office may be of further assistance, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Glenn Coffee", with a long horizontal flourish extending to the right.

V. Glenn Coffee
Secretary of State

VGC/kj



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

V. Glenn Coffee
Secretary of State

Mary Fallin
Governor

April 26, 2011

The Honorable Mary Fallin
Governor, State of Oklahoma
State Capitol, Room 212
Oklahoma City, Oklahoma 73105

Dear Governor Fallin:

You are hereby notified that Enrolled House Joint Resolution 1002 was received in the Office of the Secretary of State the 25th day of April 2011. This resolution has been designated as **State Question Number 758, Legislative Referendum Number 358.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. 2010 Supp., Section 9. The official ballot title will be submitted to you upon completion of the review.

If this office may be of further assistance, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Glenn Coffee".

V. Glenn Coffee
Secretary of State

VGC/kj

RECEIVED

APR 26 2011

OFFICE OF THE
GOVERNOR

at 10:26am.
JRR



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

V. Glenn Coffee
Secretary of State

Mary Fallin
Governor

RECEIVED

APR 26 2011

STATE ELECTION
BOARD

April 26, 2011

The Honorable Paul Ziriox
Secretary, State Election Board
State Capitol, Room 3
Oklahoma City, Oklahoma 73105

Dear Secretary Ziriox:

You are hereby notified that Enrolled House Joint Resolution 1002 was received in the Office of the Secretary of State the 25th day of April, 2011. This resolution has been designated as **State Question Number 758, Legislative Referendum Number 358.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. 2010 Supp., Section 9. The official ballot title will be submitted to you upon completion of the review.

If this office may be of further assistance, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Glenn Coffee".

V. Glenn Coffee
Secretary of State

VGC/kj



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 3, 2011

Glenn Coffee, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

FILED

MAY - 3 2011

**OKLAHOMA SECRETARY
OF STATE**

The Honorable Brian Bingman
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Kris Steele
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

Re: Ballot Title for State Question No. 758, Legislative Referendum No. 358

Dear Secretary Coffee, Senator Bingman, and Speaker Steele:

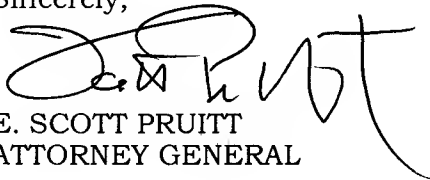
In accordance with the provisions of 34 O.S.Supp.2010, § 9(C), we have reviewed the proposed Ballot Title for the above referenced State Question and conclude that it does not comply with applicable laws for the following reasons:

It does not adequately explain the **effect** of the proposition because:

- It does not explain that the changed limitation on the increase of fair cash value of property is for property tax purposes.
- It does not explain that the new three percent (3%) limit imposed upon the increase of fair cash value, is a reduction from the current limit of five percent (5%).

Having found that the Ballot Title does not comply with applicable law, we will, in conformity with the provisions of 34 O.S.Supp.2010, § 9(D), within ten (10) business days, prepare a Preliminary Ballot Title which complies with the law.

Sincerely,


E. SCOTT PRUITT
ATTORNEY GENERAL

ESP/ab



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

FILED

MAY 10 2011

**OKLAHOMA SECRETARY
OF STATE**

May 9, 2011

Glenn Coffee, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Brian Bingman
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Kris Steele
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

Re: Preliminary Ballot Title for State Question No. 758, Legislative Referendum No. 358

Dear Secretary Coffee, Senator Bingman, and Speaker Steele:

Having found that the proposed ballot title for the above referenced state question did not comply with applicable laws, we have, in accordance with the provisions of 34 O.S.Supp.2010, § 9(C), prepared the following Preliminary Ballot Title. As a Title 34 Ballot Title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law, nor on the ability of federal law to preempt the changes in the law. The Preliminary Ballot Title reads as follows:

PRELIMINARY BALLOT TITLE FOR STATE QUESTION NO. 758

This measure amends the State Constitution. It amends Section 8B of Article 10.

The measure deals with real property taxes also called ad valorem taxes. These taxes are based on several factors. One factor is the fair cash value of the property.

The measure changes the limits on increases in fair cash value. Now, increases are limited to 5% of fair cash value in any taxable year.

The measure changes the cap on increases to 3% for some property. The 3% cap would apply to homestead exempted property. The cap would also apply to agricultural land.

The measure also removes obsolete language.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over the printed name.

E. Scott Pruitt
Attorney General

ESP/ab



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 27, 2011

Glenn Coffee, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

FILED
MAY 31 2011
**OKLAHOMA SECRETARY
OF STATE**

The Honorable Brian Bingman
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Kris Steele
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

Re: Final Ballot Title for State Question No. 758, Legislative Referendum No. 358

Dear Secretary Coffee, Senator Bingman, and Speaker Steele:

Having found that the proposed ballot title for the above referenced state question did not comply with applicable laws and having heretofore provided a Preliminary Ballot Title, we now, in accordance with the provisions of 34 O.S.Supp.2010, § 9(C), provide the following **Final Ballot Title**. As a Title 34 Ballot Title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law, nor on the ability of federal law to preempt the changes in the law. The Final Ballot Title reads as follows:

FINAL BALLOT TITLE FOR STATE QUESTION NO. 758

This measure amends the State Constitution. It amends Section 8B of Article 10.

The measure deals with real property taxes also called ad valorem taxes. These taxes are based on several factors. One factor is the fair cash value of the property.

The measure changes the limits on increases in fair cash value. Now, increases are limited to 5% of fair cash value in any taxable year.

The measure changes the cap on increases to 3% for some property. The 3% cap would apply to homestead exempted property. The cap would also apply to agricultural land.


The measure also removes obsolete language.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

Respectfully submitted,


E. Scott Pruitt
Attorney General

ESP/ab



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

V. Glenn Coffee
Secretary of State

Mary Fallin
Governor

May 31, 2011

The Honorable Mary Fallin
Governor, State of Oklahoma
State Capitol, Room 212
Oklahoma City, Oklahoma 73105

Dear Governor Fallin:

Enclosed are copies of the Attorney General's final review of the proposed Ballot Title for State Question 758, Legislative Referendum 358; the State Question from House Joint Resolution 1002; and the letter to the Oklahoma State Election Board attesting the measure.

Pursuant to the provisions of Article 24, of the Oklahoma Constitution, Section 1, this office is submitting said state question and the Attorney General's review to your office.

If there are any questions, please do not hesitate to contact this office.

Sincerely,

Michelle Day
Assistant Secretary of State

MD/kj

RECEIVED

JUN 01 2011

OFFICE OF THE
GOVERNOR

at 9:12am.
JRR



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

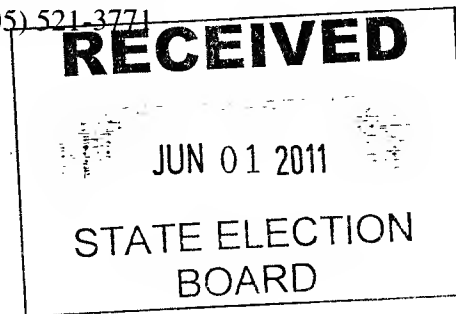
OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

V. Glenn Coffee
Secretary of State

Mary Fallin
Governor



May 31, 2011


The Honorable Paul Ziriaux
Secretary, State Election Board
State Capitol, Room 3
Oklahoma City, Oklahoma 73105

Dear Secretary Ziriaux:

Enclosed are copies of the Attorney General's final review of the proposed Ballot Title for State Question 758, Legislative Referendum 358.

If there are any questions, please do not hesitate to contact this office.

Sincerely,


Michelle Day
Assistant Secretary of State

MD/kj